

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**MINUTES OF PROCEEDINGS**

Date: March 24, 2022

**BEFORE JUDGE FRANCISCO A. BESOSA**

**CIVIL NO. 12-2039 (FAB)**

COURTROOM DEPUTY: Omar Flaquer-Mendoza

COURT REPORTER: Robin Dispenzieri

COURT INTERPRETER: Edna Brayfield

INTERPRETER FOR DEFENDANTS: Mayra Cardona

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**UNITED STATES OF AMERICA**

Plaintiff,

v.

**COMMONWEALTH OF PUERTO RICO, et al.**

Defendants.

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In Person Status hearing held as ordered at ECF No. 1967. Hearing began at 9:21 a.m. and ended at 11:15 p.m.

The following persons were present at this conference:

1. Federal Monitor John Romero and his staff.
2. Special Master Dr. Alejandro Del Carmen, Assistant Special Master Thomas D. Petrowski, and Assistant Special Master Gary Loeffert.

3. For Plaintiff United States of America: Trial Attorneys Luis Saucedo and Katherine A. Chamblee-Ryan.

4. For Defendants Commonwealth of Puerto Rico and the Puerto Rico Police Bureau:

a. Counsel Gabriel A. Peñagarícano.

b. Counsel Rafael E. Barreto-Solá.

5. Office of the Governor (“La Fortaleza”)

Caridad Pierluisi, Special Counsel to the Governor.

6. Office of Management and Budget (“OMB”).

a. Rafael Martínez Special Counsel to the Executive Director, for Pedro De Jesús, Chief Counsel and liaison on police reform matters.

b. Zulma Canales, Director of Fiscal Compliance.

c. Juan Carlos Blanco, Executive Director.

7. Puerto Rico Innovation and Technology Service (“PRITS”).

Nanette Martínez-Ortíz, Current or Acting Information and Innovation Officer (“CIIO”), and Technology Officer (“CTO”) for the Commonwealth of Puerto Rico.

8. General Services Administration (“GSA”).

a. Edgardo González, Assistant Administrator for Service to the Agencies, and liaison on police reform matters.

9. Office for the Administration and Transformation of Human Resources (“OATHR”)

a. Zahira A. Maldonado, Director.

10. Puerto Rico Federal Affairs Administration (“PRFAA”).

a. Carmen Feliciano, Executive Director was not able to attend.

11. Department of Public Safety (“DPS”).

- a. Hon. Alexis Torres, Secretary, and the Governor’s representative for police reform matters.
- b. Rafael Riviere, Deputy Secretary.
- c. Carlos Colón, Director, IT Office.
- d. Juan Carlos Puig, Consultant, and former Treasury Secretary.
- e. Miguel Candelario, Counsel to the Secretary.
- f. Maceira Berriós, Director, Finance Office.
- g. Puerto Rico Police Bureau (“PRPB”).
- h. Antonio López, Commissioner.
- i. Carlos Figueroa, Director, Reform Office.
- j. José Vázquez, Counsel, Reform Office.
- k. Juan Carlos Rivera, Director, IT Bureau.
- l. Ángel Díaz, Director, Consultant IT Bureau.
- m. Irmarie Alcaraz, The “Procurement Office” Director.
- n. Pedro Santiago, Counsel to the Commissioner.

12. FOMB

Amaury Rodríguez, “Analyst” on Public Safety Matters.

- The Court allowed Federal Monitor John Romero to present the area of concerns, issue by issue, then the Court allowed the Commonwealth, the United States, and the Special Master to respond.
  1. **Use of Force.** Federal Monitor Romero informed that after several discussions between

the parties, they are close to an interim plan. The United States informed that the Commonwealth shared a draft as previously instructed by the Court and the parties are close to reach an agreement on a provisional plan. The provisional plan is based on two (2) major challenges: Information technology and lack of supervisors. Each of these major barriers to compliance will each have their own implementation plan. The Commonwealth informed that, as ordered during the hearing held on January 14, 2022, and with the recommendations of the United States, it was able to produce a comprehensive document. The final document will include a recommendation made by Mr. Ben Horowitz, DPS' consultant on data management, and will be provided to the United States, Federal Monitor, and the Special Master for review. Mr. Horowitz was allowed to make a presentation of all recommendations he made. An Agreement, accompanied by a motion that all parties agree to the provisional plan, shall be filed no later than **April 13, 2022**.

2. **Critical IT Needs.** Captain Figueroa informed that the Police of Puerto Rico received 2,000 communication radios and initiated the purchase of 1679 additional radios. For the next fiscal year, an order of 3,000 additional radios will be placed. Captain Figueroa also informed regarding the two concerns addressed to the Court at side bar during the last hearing. Those two matters were resolved.
3. There is an agreement in principle reached. As part of the agreement, the parties agreed that status reports will be submitted every 90 days to describe progress made and work that is needed to correct missed deadlines and benchmarks during the following 90 days. As to the requirement of 1 Sergeant for every 8 agents, PRPB contemplates that the requirement will be reached in a 3 to 4 year period.

4. **Cadet Program.** On March 21, 2022 the Commonwealth submitted to the United States, the Monitor and the Special Master a revised draft regulation on minimum qualifications to be promulgated pursuant to the law. The Court instructed the Federal Monitor, the Special Master, and the United States to review the document. The final draft shall be submitted to the Court within 60 days.
5. **Budget.** The Court brought up the matter of \$20 million that has been separated for the reform, and that in each of the last several fiscal years the entire \$20 million were not spent. The amount of money that was not spent in fiscal years since 2018 is not precisely known. The United States informed that about \$12 million from the general fund that was allocated had not been spent, based on prior submissions from PRPB. The Court warned the Commonwealth that it must provide a certification under penalty of perjury, pursuant to 28 U.S.C. Section 1746, setting forth the total annual budget of the police reform including all line item proportions and all additional sources of funding for fiscal years 2018, 2019, 2020, 2021 and 2022, and a second certification under penalty of perjury for the amount of unused funds for fiscal years 2018, 2019, 2020 and 2021, including any funds that have carried over and any reason why funds were not carried over. The Court instructed the Commonwealth and all offices and people involved with the budget to meet and submit to the Court within 90 days the amount of money not spent for each year 2018, 2019, 2020 and 2021.
6. **Information Technology (IT).** The timetable in the Joint Stipulation and proposed order for information systems and technology needs assessment and action plan shall be reviewed, and the Joint Stipulation shall be re-submitted no later than **April 13**,

**2022.**

7. The Special Master informed, based on some research, that he believes that the DPS's budget was cut by \$180 million. Secretary Torres informed that he believes that the amount is close to \$232 million. This matter will be discussed at the parties' next meeting.

S/ Omar Flaquer-Mendoza

Omar Flaquer-Mendoza

Case Manager/Courtroom Deputy Clerk to  
Hon. Francisco A. Besosa,  
Senior, U.S. District Judge